IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

MONDAY, THE 26TH MARCH 2007 / 5TH CHAITHRA 1929

Crl.Rev.Pet.No. 1179 of 2007(E)

CRA.226/2005 of ADDL. SESSIONS COURT, ALAPPUZHA
CC.369/2001 of JUDL.MAGISTRATE OF FIRST CLASS-I, CHERTHALA

.....

REVN. PETITIONER: APPELLANT/ACCUSED

THANKAMANY, D/O.K.A.BHASKARAN,
NERIYAMTHARA, WARD NO.IV, AROOR PANCHAYATH,
CHERTHALA.

BY ADV. SRI.SABU GEORGE

RESPONDENTS: COMPLAINANT AND STATE

---

1. RAHIM, S/O.ABOOBACKER,
REHMA MANZIL, AMBARAKULANGARA,
MANNANCHERRY, ALAPPUZHA.

2. STATE OF KERALA, REP. BY THE PUBLIC
PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.AMJAD ALI

THIS CRIMINAL REVISION PETITION HAVING COME UP FOR ADMISSION ON 26/03/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K.R.UDAYABHANU, J

CRL.R.P.No.1179 of 2007

Dated this the 26th day of March, 2007

ORDER

Revision petitioner stands convicted for the offence under Section 138 of the Negotiable Instruments Act and sentenced to undergo simple imprisonment for one month and also to pay an amount of Rs.1,00,000/- as compensation to the complainant vide Section 357(3) of the Code of Criminal Procedure and in default, to undergo simple imprisonment for fifteen days.

2. On a consideration of the judgments of the court below, I find that the revision petitioner/accused has not adduced any evidence to rebut the statutory presumptions. Hence there are no grounds to admit the revision petition as such.

3. Considering the plea of the counsel for the revision petitioner, the sentence is modified to imprisonment till the rising of the court. The rest of the sentence is confirmed. Revision petitioner is granted four months' time from today onwards to pay the amount of compensation. He shall appear

before the Judicial First Class Magistrate Court-I, Cherthala on 24.7.2007 to receive the sentence.

The criminal revision petition is disposed of as above.

K.R.UDAYABHANU,
JUDGE

csl